



Attorney Docket: 28025US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mario A. VILLENA, et al.

Application No. 10/536,692 : International Application No.: PCT/US04/28217

Filed: May 27, 2005 : International Application Filing Date: August 31, 2004

For: COMPUTERIZED SYSTEMS FOR FORMATION AND UPDATE OF DATABASES

DECLARATION OF PRIOR INVENTION UNDER 37 C.F.R. 1.131

Commissioner for Patents
Washington, D.C. 20231
Box Non-Fee Amendment

Sir:

NOW COMES the undersigned and declare that:

1. I, Mario A. Villena, am an inventor in the present application. I also am a manager and technical contributor of HomeXperts, d.b.a, HomeKeys.net, which is related to the instant Application. I have personal knowledge of the work done in accordance with the related projects of HomeKeys.net.

2. The fourteenth (14th) day of March TWO-THOUSAND AND FOUR (2004), which upon information and belief, is the publication date of an article entitled "Here's how to calculate home

value" By Holden Lewis. The article, which was cited by Examiner Naresh Vig of the United States Patent and Trademark Office in an Office Action mailed March 2, 2007, was published in The Sunday Patriot – News (Harrisburg, PA) on page 101.

3. The fourth (4th) day of March TWO-THOUSAND AND FOUR (2004), which upon information and belief, is the INITIAL publication date of the article of section 2, which is differently entitled "Determining a home's value." This article was initially published on www.bankrate.com. The article can also be found at http://www.bankrate.com/brn/news/real-estate/20040304a1.asp. The following facts show reduction to practice of the presently claimed methods and systems in the United States of America prior to this publication date.

4. The present United States patent application was drafted in the summer of the year 2004.

5. Attached is a copy of a page provided by William Kennedy, an employee and software developer of HomeKeys, containing a portion of Standard Query Language (SQL) code developed by Mr. Kennedy and Jose A. Villena, another inventor of record. The copy of the SQL code is attached herewith and made part of this Declaration as an Exhibit of record. The SQL code bears one or more dates which have been removed and are not shown on the Exhibit. Each of the dates was prior to the relevant The Sunday Patriot – News and www.bankrate.com publication dates.

6. The SQL code was used as part of a software project of HomeKeys during the



development of the software. As shown in the Exhibit, the SQL code includes a data structure (TABLE PropertyListings) containing a number of data fields. Among these fields (line 36) is a field labeled "AVMPrice", which was used to hold an Automated Valuation Model (AVM) generated estimate for each of a number of real properties documented by the data structure. Accordingly, the Exhibit demonstrates: (1) the existence of a database that includes a respective AVM value for each of a plurality of properties (2) capable of being queried, as is referenced in the independent claims of the present Application.

7. The SQL code identified in the Exhibit was produced in the United States of America.

8. I am aware of the construction and operation of an apparatus and method practicing the features of the independent claims of the present Application, and am also aware of their existence on a date prior to the relevant The Sunday Patriot – News and www.bankrate.com publication dates.

9. All statements made herein of my own knowledge are true. All statements made herein upon information and belief are believed to be true. I understand that willful false statements and the like are punishable by fine or imprisonment, or both, under the provisions of 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing therefrom.

A handwritten signature in black ink, consisting of stylized, overlapping loops and strokes, located in the bottom right corner of the page.

10. Further, declarants sayeth naught.

11. WITNESS my signature below in the indicated date.

4-5-07
Date

Mario Villena
Mario A. Villena

Exhibits: Copy of Standard Query Language (SQL) code developed by Mr. William Kennedy and Mr. Jose A. Villena.

Attachments: Copy of an article entitled "Determining a home's value" by Holden Lewis.

Build-Interface for Microsoft Word

File Edit View Insert Format Tools Table Window Help Adobe PDF Acrobat Com

History of: 12/15/2001 12:15:00 PM 12/15/2001 12:15:00 PM

Version: 3.0.0.0

Use: 12/15/2001 12:15:00 PM

2. 12/15/2001 12:15:00 PM Checked in 12/15/2001 12:15:00 PM

1. 12/15/2001 12:15:00 PM Created

229 Beds INT,

230 Baths INT,

231 Rating REAL,

232 SUBDIVISION VARCHAR(51),

233 YearBuilt INT,

234 LandValue INT,

235 BidValue INT,

236 TotalValue INT,

237 LegalDescription VARCHAR(35),

238 Owner VARCHAR(35),

239 TRS VARCHAR(6)

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244 AveragePricePerSqFt REAL NOT NULL,

245 MinPricePerSqFt REAL NOT NULL,

246 MedianPricePerSqFt REAL NOT NULL,

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Read-Only Ln 611, Col 21

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Determining a home's value

By [Holden Lewis](#) • Bankrate.com

Here's a question that paralyzes homeowners with anxiety: "How much do I ask for my house?"

The flipside of that question -- "How much should I offer?" -- keeps buyers up at night, too.

Figuring out a home's market value takes a lot of science, a little bit of art and a hard head. The science consists of obtaining prices of similar homes in the neighborhood that have been sold recently. The art entails comparing those homes to the one you want to sell or buy -- how they are similar, how they differ, what makes the other homes more or less valuable. The hardheaded part demands putting aside your emotions and arriving at a price that the market will support, regardless of how you feel about the house or how much money has been put into it.

The process is especially vital for people selling their houses without the help of real estate agents. But even if you have hired an agent to sell the house, or if you're buying instead of selling, it's a good idea to estimate your home's value independently, so you can find out if you and the agent see things the same way.

There are two excellent Web sites to start with. Both allow you to look up sale prices of nearby homes. [HomeGain's service](#) offers a list of nearby home sales that includes each home's address, price, sale date, number of bedrooms, square footage and approximate year built. Disclosure: Bankrate is a business partner with HomeGain.

A competitor, [Home Price Check](#), offers a shorter list, giving each home's address, month sold and the number of bedrooms and bathrooms. A spot check of four addresses in three states showed that HomeGain offers more data, but Home Price Check's sales data are more recent -- one month newer in Jupiter, Fla., and four years newer in Garden City, N.Y.

"It's a great way to understand the value of real estate because it's the raw data," says Ben Joslin, general manager of Domania Inc., the unit of Lending Tree that operates Home Price Check.

Real estate agents estimate home values by finding comparable houses (called "comps"), too, but not all buyers and sellers use agents. Colby Sambrotto, chief operating officer of

See Also

- [Mortgage Matters: A daily Weblog on mortgage rates](#)
- [Boost your home's value: Remodel!](#)
- [Getting an appraisal -- the basics](#)
- [Daily mortgage rate update](#)
- [Mortgage glossary](#)
- [Track prime rate/other leading rate indexes](#)
- [More mortgage stories](#)


Attachment


ForSaleByOwner.com, a service for people who sell their homes without real estate agents, sends his clients to Home Price Check. It beats going to the county recorder's office and looking at real estate records.

Sale price information helps buyers, too, allowing them to come up with an educated idea of how much to offer. Bob Moulton, president of Americana Mortgage Group Inc., a mortgage brokerage in New York, says he frequently advises buyers to go online and check the recent sales prices of nearby homes, especially when the seller isn't using an agent.

(continued on next page)

-- Posted: March 4, 2004

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* Mortgage rate may include points. See rate tables for details. [Click here](#).

* To see the definition of overnight averages [click here](#).

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